

# Chapter I Introduction

I. Introduction	
A. Background and Purpose	1-2
B. Updating Manual	1-2
C. Reference to NDDOT Policies and Procedures	1-2
D. Federal Laws and Regulations	1-2
i. Highway Safety Act of 1966	1-3
ii. USDOT Common Rule	1-3
iii. Other Applicable Office of Management and Budget Circulars	1-3
E. State Highway Safety Agency Structure and Mission	1-3
i. State and NDDOT Hierarchy	1-3
ii. TSO Position Descriptions and Fund Sources	1-4
F. State Laws and Federal Regulations Governing Delegation of Authority for the State	1-4
Highway Safety Office	
i. Delegation of Authority – State Laws	1-4
ii. Delegation of Authority – Federal Regulations	1-5
Table 1. Delegation of Signature Authority	1-6
G. Roles of Federal Agencies	1-6
i. National Highway Traffic Safety Administration (NHTSA)	1-6
ii. NHTSA Regional Offices	1-7
iii. Federal Highway Administration (FHWA)	1-8
iv. FHWA Regional Office	1-8
v. FHWA Division Office	1-8
Attachment 1	
Attachment 2	
Attachment 3	



## **I. Introduction**

### **A. Background and Purpose**

The purpose of this manual is to establish consistent program and project management procedures for staff and subgrantees to guide the administration of the state's traffic safety program in compliance with USDOT, NHTSA regulations.

Best practice requires that the state's Traffic Safety Office (TSO) have in place a current manual that documents standard operating procedures and the management of the traffic safety program. This manual contains a written record of approved current administrative and financial procedures. It serves as a guide to assist staff and administrators to perform their assigned functions. It does not, however, specifically address all regulations that must be followed. Occasional references to other regulations and department manuals and policies are necessary.

This manual is intended for use by TSO personnel, North Dakota Department of Transportation (NDDOT) employees, state and local government officials, and anyone interested in the procedures which are followed by the TSO.

### **B. Updating Manual**

The TSO reviews the content of the manual at least annually to assure that the procedures remain current and accurate. Program and regulatory revisions received from state and federal sources will be made and distributed upon receipt of notification.

The TSO Manager, or the manager's delegate, is assigned the responsibility to update the manual, including the table of contents and appendices, on at least an annual basis. Revisions requiring immediate attention may be initiated at any time. The manual will be maintained on the TSO website for easy access by TSO personnel and other interested persons.

All members of the TSO staff are advised where to obtain an electronic copy of this manual and are held accountable for following the processes outlined in it. Where applicable, TSO staff performance evaluations may be tied to compliance with this manual.

### **C. Reference to NDDOT Policies and Procedures**

The laws and regulations of the TSO's state department – the NDDOT – also govern the TSO. The NDDOT has policies and procedures that may be pertinent to the administration of the traffic safety program. These policies should be reviewed periodically and serve as a guide to assist TSO staff and administrators to perform their assigned functions. NDDOT policies can be located at:  
<http://mydot.nd.gov/policies/policies.htm>.

### **D. Federal Laws and Regulations**

The U. S. Congress authorizes traffic safety funds to be appropriated to the USDOT, NHTSA. NHTSA apportions the funds and distributes them to the states and provides a limitation on obligations that indicates the amount of funds available to each state. The states liquidate these funds through the state's annual Highway Safety Plan (HSP) which is subject to NHTSA review and approval.

Federal regulations govern the daily administration of traffic safety grants at the state level. Administrators of traffic safety grants will be familiar with and follow each cited title and rule to



effectively design and manage programs. Thorough knowledge of these regulations will reduce a majority of grant questions before they become problems.

### **i. Highway Safety Act of 1966**

The state traffic safety program operates under the provisions of the Federal Highway Safety Act of 1966, 23 USC 402, et seq., specifically 402(b)(1).

The corresponding regulation contained in the Code of Federal Regulations (CFR), 23 CFR Part 1200, Subpart B, 1200.10 requires the state's HSP to have certain features before it is approved. These features are contained in a number of federal regulations and guidelines.

The *NHTSA Highway Safety Grant Management Manual* contains pertinent regulations and guidelines: [http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/00\\_Manl\\_Contents1\\_01.html](http://www.nhtsa.gov/nhtsa/whatsup/TEA21/GrantMan/HTML/00_Manl_Contents1_01.html)

The Federal Highway Safety Act of 1966 makes the state's Governor responsible to prepare and administer a statewide traffic safety program designed to reduce traffic crashes and the resulting fatalities, injuries and property damage. The Governor has named the NDDOT Director to act as his/her representative for the state's traffic safety program. North Dakota's traffic safety program is the Traffic Safety Office (TSO) located within the NDDOT's Safety Division.

### **ii. USDOT Common Rule**

The USDOT Common Rule is contained in Title 49 CFR, Part 18, and is titled, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*.

The Common Rule was developed to establish "consistency and uniformity among federal agencies in the implementation and management of grants and cooperative agreements with state, local, and federally recognized Indian tribal governments" (Office of Management and Budget [OMB] Circular A-102 [revised], 8/29/1997).

The Common Rule supersedes OMB Circular A-102 of 1981. The Common Rule applies to federal grant recipients (such as the state) and the subrecipients of federally assisted grants (such as municipalities receiving traffic safety grants from the TSO).

### **iii. Other Applicable Office of Management and Budget Circulars**

Federal OMB circulars are frequently used as reference materials to administer grants. The most current OMB circulars applicable to the traffic safety program are available via NHTSA's *Highway Safety Grant Management Manual*.

## **E. State Highway Safety Agency Structure and Mission**

The State Highway Safety Agency within the NDDOT is identified as the Traffic Safety Office (TSO) and is located within the NDDOT's Safety Division. The Safety Division serves to reduce traffic crashes and related fatalities, injuries, and property damage through the development, implementation, and evaluation of programs designed for this purpose. The Safety Division also includes a Data Analysis Section.

### **i. State and NDDOT Hierarchy**

The NDDOT Director/GR reports directly to the Governor. More information on the hierarchy of North Dakota State Government can be located at the following link to the North Dakota Governor's Office.



<http://www.governor.nd.gov/administration>

The most current organizational charts for the NDDOT and the NDDOT Safety Division can be located at the following link.

<http://mydot.nd.gov/divdist.htm>

## ***II. TSO Position Descriptions and Fund Sources***

The most recent information is included as Attachment 1.

## **F. State Laws and Federal Regulations Governing Delegation of Authority for the State Highway Safety Office**

The laws and regulations of the state also govern the TSO.

### **i. Delegation of Authority – State Laws**

At the state level, the Governor authorizes the traffic safety program. North Dakota Century Code (NDCC) 54-07-05, from July 1, 1967, authorizes North Dakota's Governor to enter into grants and contracts to carry out a duty or activity that is part of the program as follows:

***54-07-05. Highway safety assent.*** *The governor, in addition to other duties and responsibilities conferred upon the governor by the constitution and laws of this state, is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the Highway Safety Act of 1966 [Pub. L. 89-564; 80 Stat. 731; 23 U.S.C. 401 et seq.], and in so doing, to require compliance by state agencies and political subdivisions; to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals; to effectuate the purposes of that enactment and any and all subsequent amendments thereto. The governor is the official of this state having ultimate responsibility for dealing with the federal government with respect to programs and activities pursuant to the Highway Safety Act of 1966 [Pub. L. 89-564; 80 Stat. 731; 23 U.S.C. 401 et seq.] and any amendments thereto. To that end the governor shall coordinate the activities of any and all departments and agencies of this state and its subdivisions, relating thereto.*

The Governor, in turn, per authority under CFR 23, 1251.2, *Policy*, positioned the State Highway Safety Agency within the NDDOT. The Governor appointed the NDDOT Director as the Governor's Highway Safety Representative (GR) (Attachment 2). As such, the GR assumes the responsibilities for the State Highway Safety Agency outlined in NDCC 54-07-05 and fulfills the obligations of CFR 23, 1251.3 and 1251.4 as follows:

### **23 CFR 1251.3 Authority.**

*Each State Highway Safety Agency shall be authorized to:*

*(a) Develop and implement a process for obtaining information about the highway safety programs administered by other State and local agencies.*

*(b) Periodically review and comment to the Governor on the effectiveness of highway safety plans and activities in the State regardless of funding source.*



*(c) Provide or facilitate the provision of technical assistance to other State agencies and political subdivisions to develop highway safety programs.*

*(d) Provide financial and technical assistance to other State agencies and political subdivisions in carrying out highway safety programs.*

**23 CFR 1251.4 Functions.**

*Each State Highway Safety Agency shall:*

*(a) Develop and prepare the Highway Safety Plan prescribed by volume 102 of the Highway Safety Program Manual (23 CFR 1204.4, Supplement B), based on evaluation of highway accidents and safety problems within the State.*

*(b) Establish priorities for highway safety programs funded under 23 U.S.C. 402 within the State.*

*(c) Provide information and assistance to prospective aid recipients on program benefits, procedures for participation, and development of plans.*

*(d) Encourage and assist local units of government to improve their highway safety planning and administration efforts.*

*(e) Review the implementation of State and local highway safety plans and programs, regardless of funding source, and evaluate the implementation of those plans and programs funded under 23 U.S.C. 402.*

*(f) Monitor the progress of activities and the expenditure of section 402 funds contained in the State's approved Highway Safety Plan.*

*(g) Assure that independent audits are made of the financial operations of the State Highway Safety Agency and of the use of section 402 funds by any subrecipient.*

*(h) Coordinate the State Highway Safety Agency's Highway Safety Plan with other federally and non-federally supported programs relating to or affecting highway safety.*

*(i) Assess program performance through analysis of data relevant to highway safety planning.*

**ii. Delegation of Authority – Federal Regulations**

NHTSA regulations require a formalized process be established by the state as to who can act on behalf of the GR in his or her absence. The TSO is required to establish a written Delegation of Authority.

The NHTSA Regional Office shall be notified in writing by the TSO Manager of the name and type of authorization and provided with the signature of each person currently assigned signature authority on behalf of the TSO. Whenever a temporary or permanent change occurs in the authorization assignment or the person assigned to the named authorized position, the NHTSA Regional Office shall be notified in writing and provided the new information. The most recent *Delegation of Authority* letter is included as Attachment 3.

The following table lists signature authority related to the TSO traffic safety grant program functions.



**Table 1. Delegation of Signature Authority**

<b>Document</b>	<b>Signature Authority</b>
Highway Safety Performance Plan	<i>Approved by the GR or delegate</i>
Certifications and Assurances of the Highway Safety Performance Plan	<i>Signed by the GR or delegate</i>
Highway Safety Program Cost Summary	<i>TSO Manager or delegate</i>
Federal Cooperative Agreements	<i>Signed by the GR or delegate</i>
National Highway Traffic Safety Administration Agreements	<i>Signed by the GR or delegate</i>
Federal Grant Applications	<i>Signed by the GR or delegate</i>
Grant Agreement/Service Contracts	<i>Approved as to content by TSO Manager and signed by the Safety Division Director and GR or delegate</i>
State Vouchers for Federal Reimbursement	<i>NDDOT Finance Division</i>
Requests to NHTSA to purchase equipment (\$5,000 or more) with federal funds	<i>TSO Manager or delegate</i>

In the absence of the Safety Division Director, TSO signature authority is delegated to the TSO Manager (Attachment 3).

## **G. Roles of Federal Agencies**

### ***1. National Highway Traffic Safety Administration (NHTSA)***

The primary mission of NHTSA is twofold. NHTSA supports the national goals and statutory responsibilities of the Secretary of Transportation by developing and administering programs that implement legislation designed to reduce motor vehicle crashes with resulting deaths, injuries, and economic losses. NHTSA also safeguards the motor vehicle consuming public through regulation, research, information, and education. In furtherance of this primary mission, the additional missions of NHTSA are shown below.

1. To administer a coordinated national program of leadership to the states and other public and private sector groups designed to accelerate highway safety programs, and to administer technical and financial assistance programs at the state and local levels.
2. To publish and distribute uniform standards for developing state highway safety programs.
3. To conduct an evaluation to assist states and local communities to achieve comprehensive highway safety programs.
4. To establish and enforce federal motor vehicle safety performance standards and to improve operation and performance safety by eliminating motor vehicle and equipment defects.
5. To emphasize and support compliance with federal motor vehicle safety standards.
6. To publish and distribute rules for the disclosure of odometer mileage and prosecution of odometer fraud.



***ii. NHTSA Regional Offices***

NHTSA regional offices provide a variety of services, as shown below.

1. Administer federal grant programs (including incentive and demonstration) for highway safety activities in states and local communities. The regional office for North Dakota is located in Lakewood, Colorado, and:
  - a. Provides technical leadership and assistance to the states and their political subdivisions in planning, developing, implementing, and reviewing highway safety programs;
  - b. Serves as a focal point for coordination and exchange of traffic safety and motor vehicle information and research and demonstration project findings among the states;
  - c. Serves as a point of contact for the public, industry representatives, other federal agencies, and interested organizations, and provides interpretation of standards applied to highway safety-related activities; and
  - d. Reviews states' administrative, financial, and program review processes, recommends improvements, and assists in their implementation.
2. Review and recommend approval or disapproval of Highway Safety Plans for state and community highway safety programs.
3. Monitor and evaluate state and local projects for conformance with approved programs, determine progress and effectiveness of total state highway safety efforts, recommend improvements, and assist in their implementation. Review state and local activities for the continued eligibility for federal financial assistance under the Highway Safety Act of 1966, as amended.
4. Coordinate with the regional and division offices of FHWA on all highway-oriented aspects of highway safety including the states' Highway Safety Plans and program guidance.
5. Provide contract technical management for NHTSA Section 403 projects assigned to the region.
6. Provide accounting services for Sections 402, 403, 408, 410, 411, and 2010 programs for NHTSA and FHWA regional offices and their respective states for the obligation of funds, reimbursement to states, advance financing of the federal share of program expenditures, and preparation of monthly status reports on program funds.
7. Evaluate and coordinate implementation of findings and recommendations of audits of highway safety activities in the region.
8. Perform preliminary vehicle defects investigations and provide information to headquarters offices.
9. Provide input to headquarters offices regarding staffing needs, research requirements, and other matters having impact on the national highway safety picture.
10. Implement public information in cooperation with state and local traffic safety officials' efforts by providing published materials, participating in public information activities or arranging for public information materials for local television, civic, and professional association activities.
11. Serve on various regional Department of Transportation committees to affect maximum impact on safety operations.



12. Provide training orientation to states and communities in the area of highway safety.

### ***iii. Federal Highway Administration (FHWA)***

In accordance with the provisions of the Highway Safety Act of 1966, FHWA administers a coordinated national program of financial assistance to the states to accelerate development and implementation of highway safety programs at state and local levels in the following areas.

1. Highway design and construction and maintenance, including highway-related aspects of pedestrian safety.
2. Identification and surveillance of crash locations.
3. Traffic control devices.

### ***iv. FHWA Regional Office***

The regional FHWA carries out the highway-related aspects of the state and community safety programs.

1. The regional FHWA has been delegated authority (jointly with the appropriate NHTSA official) to:
  - a. approve multi-year comprehensive plans,
  - b. determine state agency acceptability,
  - c. approve Highway Safety Plans,
  - d. execute agreements, and
  - e. grant authorization to proceed.

The FHWA's and NHTSA's Regional Administrators shall cooperatively:

- a. establish an acceptable balance of activity among the safety standards,
- b. assure the adequacy of planning and administration, and
- c. review activity in closely associated standards administered by NHTSA.

### ***v. FHWA Division Office***

In keeping with the FHWA policy of maximum decentralization, the division offices have been delegated the following highway-related program responsibilities.

1. Coordinate with and assist the Governor's Highway Safety Representative (i.e., the NDDOT Director).
2. Provide technical assistance and advice to state and local governments.
3. Monitor and evaluate state and local highway safety programs.



## **TRAFFIC SAFETY OFFICE (TSO) POSITION DESCRIPTIONS AND FUND SOURCES**

Following are TSO position description summaries. Full Position Information Questionnaires (PIQs) with a greater level of detail are maintained by supervisory staff.

### **Division Director**

*Fund Source: State Funds*

*Position Currently Held By: Mark Nelson*

Provides for the overall management of the traffic safety program including:

- Leadership and support for the development and management for state traffic safety programs including the Highway Safety Plan (HSP) and the Strategic Highway Safety Plan (SHSP).
- Review and approve programs, documents, plans, contracts, and other documents developed in the implementation of the programs.
- Review and recommend program staffing needs and budgets.
- Assure compliance with financial and management policies and procedures.
- Serve as the chief spokesperson in the Department relative to traffic safety needs and programs.
- Review documents and authorize payments for program activities.
- Serve as liaison for the Governor's Representative to coordinate with federal, state, and local agencies.

### **TSO Manager**

*Fund Source: NHTSA Section 402 Planning and Administration (P&A)*

*Position Currently Held By: Karin Mongeon*

Responsible for the day-to-day direction and supervision of traffic safety program activities and directs the planning and management of select traffic safety programs and activities including:

- Coordinate the development, implementation and evaluation of the state Highway Safety Plan (HSP).
- Direct and supervise TSO staff.
- Assure the programs within the HSP are properly administered through development, implementation, monitoring, and evaluation processes.
- Assist with the functions of the Division Director as delegated.



### **Program Managers**

*Fund Source: Combination of NHTSA fund categories (402, 410, 408, etc.) depending on program assignments and state funds for state-specific functions*

*Positions Currently Held By:*

*Carol Thurn*

*Program Areas: Occupant Protection, Motorcycle Safety, Youth/Young Adult, Community Traffic Safety Projects, Distracted Driving*

*Sandy Wilson*

*Program Areas: Police Traffic Services, Speed Management, Impaired Driving Prevention*

Responsible for the day-to-day management of program areas including the following activities:

- Provide ongoing planning, coordination, implementation, oversight, technical assistance, resources, and evaluation to build capacity within each assigned program.
- Review and approve progress reports and expenses for assigned contracts.
- Review work products conducted under each contract on an ongoing basis to assure satisfactory progress. This includes desk and on-site monitoring and regular communication with grantees via e-mail and phone contact.
- Maintain electronic project files of all project monitoring activities, financial transactions, problem areas, corrective actions, close-out documents, etc.
- Recommend agency positions for assigned program areas and prepare appropriate, reports, position papers, etc.
- Participate in meetings, conferences, trainings, workshops, etc. as necessary to advance programs.

### **Finance/Contract Manager**

*Fund Source: Combination of NHTSA fund categories (402, 410, 408, etc.) depending on program assignments and state funds for state-specific functions*

*Position Currently Held By: Lory Harsche*

Responsible for the day-to-day management of finance and contract responsibilities including the following activities:

- Maintain accurate financial records related to Division and TSO budgets, obligations and expenses.
- Manage the Grants Tracking System (GTS) for NHTSA programs.
- Provide second-level review of all expenses approved by program staff.
- Manage contract execution processes per the NDDOT's Contract Management System (CMS).
- Assure equipment management per state and federal requirements.
- Assure reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA).
- Complete other responsibilities as assigned.



**Traffic Records Manager**

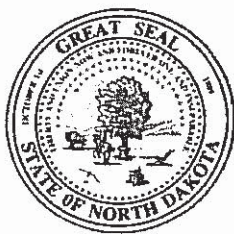
*Fund Source: Federal Highway Administration (FHWA) State Planning and Research (SPR) funds*

*Position Currently Held By: Lynn Heinert (Program Area: Traffic Records)*

Responsible for the following activities:

- Day-to-day management of the NHTSA Section 408 program including the Traffic Records Coordinating Committee and the Strategic Traffic Records Plan and associated projects.
- Management of motor vehicle crash reporting including paper and TraCS (Traffic and Criminal Software) methods, and maintenance of the data within the NDDOT's Crash Reporting System.
- Data analysis and reporting.





State of  
North Dakota

*Office of the Governor*

Jack Dalrymple  
Governor

January 14, 2011

Mr. Bill Watada  
Regional Administrator  
National Highway Traffic Safety Administration (NHTSA)  
Region 8 Office  
12300 West Dakota Avenue, Suite 140  
Lakewood, CO 80228-2583

Dear Mr. Watada:

As Governor of the state of North Dakota, I hereby appoint Francis G. Ziegler, the Director of the North Dakota Department of Transportation, to serve as my Governor's Representative for Highway Safety.

As the Governor's Representative, Mr. Ziegler will continue to administer federal highway safety funds received under 23 U.S.C. 402, et seq. and will function within the provisions of 23 CFR 1200 to implement an approved program.

Mr. Ziegler's contact information is as follows:

Francis G. Ziegler, Director  
North Dakota Department of Transportation  
608 East Boulevard Avenue  
Bismarck, North Dakota, 58505-0700  
E-mail: [fziegler@nd.gov](mailto:fziegler@nd.gov)  
Phone: 701- 328-2581

Sincerely,

A handwritten signature in cursive script that reads "Jack Dalrymple".  
Jack Dalrymple  
Governor

34:71

C: Francis G. Ziegler, NDDOT





# North Dakota Department of Transportation

Francis G. Ziegler, P.E.  
*Director*

Jack Dalrymple  
*Governor*

January 13, 2011

Mr. Bill Watada  
Regional Administrator  
National Highway Traffic Safety Administration (NHTSA)  
Region 8 Office  
12300 West Dakota Avenue, Suite 140  
Lakewood, CO 80228-2583

Dear Mr. Watada:

Effective immediately and until further written notice, the officials authorized to sign documents and take other actions necessary to administer the North Dakota Department of Transportation's (NDDOT) Highway Safety Program are as follows.

## **Authorized Administrative Personnel**

As the Governor's Representative and Director of the North Dakota Department of Transportation, I will continue to oversee and maintain ultimate responsibility and full signature authority for all federal highway safety grant applications, certifications and assurances, and reports as required by the National Highway Traffic Safety Administration and the North Dakota Department of Transportation. Linda Butts, Deputy Director for Driver and Vehicle Services, will assume this responsibility in my absence.

Mark Nelson, Safety Division Director, maintains the responsibilities of Traffic Safety Office per the Highway Safety Act of 1966 and is authorized under 23 CFR 1251 in the planning, managing, evaluating, administering, and reporting of transportation funds granted to the state, and subsequently awarded to local agencies for traffic safety grant projects. In this role, Mr. Nelson is responsible for signing all of the documents relating to the daily operation (programmatic and financial) of the Highway Safety Program. Karin Mongeon, Manager, Traffic Safety Office, will assume programmatic and financial signatory authority as delegated by Mr. Nelson and in Mr. Nelson's absence.

Signatures for these individuals are included for your records (Attachment 1).

## **Delegation of Authority for NHTSA's Grants Tracking System (GTS)**

The purpose of GTS is to automate the financial information process, produce the required federal financial documents at the program area level, and electronically transmit this information to the National Highway Traffic Safety Administration's accounting department.



Mr. Bill Watada  
Page 2  
January 13, 2011

According to the GTS State Users Manual:

- The owner of GTS has the ability to change settings, add users, and deny access to GTS. The two rights are Owner and User. There can be only one owner of this right in each state and that person has the ability to manage all user settings within the state as well as grant others the right to do the same.
- The user of GTS has the same privileges as the owner to access and manipulate the GTS data/documents for the state, except he/she may not grant the "manage users" right to others.

The delegation of authority for the GTS is provided to Dorothy Christensen, Financial Management Division.

The following individuals are authorized to produce the following GTS documents electronically and transmit them to your office.

**Highway Safety Plans (HSP), Obligation Cost Summary (HCS) Documents:** Karin Mongeon (Traffic Safety Office), and Lory Harsche (Traffic Safety Office).

**Federal Aid Reimbursement Vouchers:** Sherry Hermanson (Financial Management Division), Dorothy Christensen (Financial Management Division), and Julie Fleck (Financial Management Division).

Sincerely,




Francis G. Ziegler, P.E.  
Director  
Governor's Representative for Highway Safety

09/hs  
Attachment




**Attachment 1**



Linda Butts, Deputy Director  
for Driver and Vehicle Services



Mark Nelson, Director  
Safety Division



Karin Mongeon, Manager  
Traffic Safety Office  
Safety Division